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FINAL REPORT ON THE NATIONAL EMERGENCY  
WITH RESPECT TO THE PROLIFERATION OF CHEM-  
ICAL AND BIOLOGICAL WEAPONS

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

A FINAL REPORT CONCERNING THE NATIONAL EMERGENCY WITH  
RESPECT TO THE PROLIFERATION OF CHEMICAL AND BIOLOGI-  
CAL WEAPONS, PURSUANT TO SECTION 204 OF THE INTER-  
NATIONAL EMERGENCY ECONOMIC POWERS ACT AND SECTION  
401(c) OF THE NATIONAL EMERGENCIES ACT



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*To the Congress of the United States:*

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the *Federal Register* and transmits to the Congress a notice of its continuation.

On November 14, 1994, I issued Executive Order No. 12938, which revoked and superseded Executive Order No. 12735. As I described in the report transmitting Executive Order No. 12938, the new Executive order consolidates the functions of Executive Order No. 12735, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery. The new Executive order continued in effect any rules, regulations, orders, licenses, or other forms of administrative action taken under the authority of Executive Order No. 12735. This is the final report with respect to Executive Order No. 12735.

This report is made pursuant to section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act regarding activities taken and money spent pursuant to the emergency declaration. Additional information on chemical and biological weapons proliferation is contained in the annual report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons (CBW) or unmanned delivery systems for weapons of mass destruction.

During the final 6 months of Executive Order No. 12735, the United States continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

At the termination of Executive Order No. 12735, 158 nations had signed the Chemical Weapons Convention (CWC) and 16 had ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. The United States continues to press for prompt ratification of the Convention to enable its entry into force as soon as possible. We also continue to urge those countries that have not signed the Convention to do so. The United States has remained actively engaged in the work of the CWC Preparatory Commission headquarters in The Hague, to

elaborate the technical and administrative procedures for implementing the Convention.

The United States was an active participant in the Special Conference of States Parties, held September 19–30, 1994, to review the consensus final report of the Ad Hoc Group of experts mandated by the Third Biological Weapons Convention (BWC) Review conference. The Special Conference produced a mandate to establish an Ad Hoc Group whose objective is to develop a legally binding instrument to strengthen the effectiveness and improve the implementation of the BWC. The United States strongly supports the development of a legally binding protocol to strengthen the Convention.

The United States maintained its active participation in the Australia Group (AG), which welcomed the Czech Republic, Poland, and Slovakia as the 26th, 27th, and 28th AG members, respectively. The Group reaffirmed members' collective belief that full adherence to the CWC and the BWC provides the only means to achieve a permanent global ban on CBW, and that all states adhering to these conventions have an obligation to ensure that their national activities support these goals.

The AG also reiterated its conviction that harmonized AG export licensing measures are consistent with and indeed actively support, the requirement under Article I of the CWC that States Parties never assist, in any way, the manufacture of chemical weapons. These measures also are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the Convention, as they focus solely on preventing assistance to activities banned under the CWC. Similarly, such efforts also support existing nonproliferation obligations under the BWC.

The United States Government determined that one foreign individual and two foreign commercial entities—respectively, Nahum Manbar, and Mana International Investments and Europol Holding Ltd.—had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against them, effective on July 16, 1994. A separate determination was made and sanctions imposed against Alberto di Salle, an Italian national, effective on August 19, 1994. Additional information on these determinations will be contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12735 during the period from November 16, 1990, through November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 16, 1995.*